

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado
www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

HB 1294 Stakeholder Forum
AGENDA
November 12, 2013, 2-3:30 pm
4300 Cherry Creek Drive South, Denver, CO 80246
Building A, Sabin-Cleere Room

Call-in Number: 712-432-3100, Participant Code: 685125

Agenda Items:

- | | |
|---|----------------------|
| I. Welcome & Introductions | John Barry |
| II. Finalize the agenda | John Barry |
| III. Proposed Regulations | Laurie Schoder |
| IV. HB 12-1294 Implementation Progress | Lorraine Dixon-Jones |
| V. Department's legislative agenda | Eliza Schultz |
| VI. Stakeholders' legislative agenda | |
| VII. Sunset review updates | Lorraine Dixon-Jones |
| VIII. Department updates | Deann Conroy |
| IX. Important Announcements | |
| X. Training opportunities | |
| XI. Reports from other advisory groups | |
| XII. Public Comments/Open Forum | |
| XIII. Future Agenda Items/May Meeting Dates | John Barry |
| XIV. Meeting Evaluation | John Barry |
| XV. Adjourn | John Barry |

Meeting Location Instructions: The visitors' entrance to Building A is on the east side. The Sabin-Cleere Room is down the hall on the left. Visitors do not need to sign-in or receive a badge at the main entrance, but they will be asked to sign-in in the meeting room.

Requests for accommodations: Reasonable accommodations will be provided upon request for persons with disabilities. Please notify Gillian Franklin at (303) 692-2925 by November 5 if you need special accommodation in order to participate.

Health Facilities Website: www.healthfacilities.info (for 1294 Implementation updates, a copy of the bill, rulemaking updates, Stakeholder Forum agendas, meeting notes, and sign-up for the distribution list)

Health Facilities Community Blog: <http://healthfacilitiescommunity.blogspot.com/> (for portal message updates, and rulemaking updates)

Upcoming Meeting Dates:

Proposed Dates	Location
Thursday, February 13, 2014 @ 2-3:30pm	CDPHE in Sabin-Cleere Room
<u>Possible Dates:</u> Wednesday, May 14, 2014 @ 2-3:30pm Wednesday, May 28, 2014 @ 2-3:30pm Thursday, May 29, 2014 @ 2-3:30pm Friday, May 30, 2014 @ 2-3:30pm	CDPHE in Sabin-Cleere Room
Thursday, August 14, 2014 @ 2-3:30pm	CDPHE in Sabin-Cleere Room

Excerpt from HOUSE BILL 12-1294:

25-3-113. Health Care Facility Stakeholder Forum - Creation - Membership - Duties. (1)

There is hereby created in the Department of Public Health and Environment the health care facility stakeholder forum, referred to in this section as the "stakeholder forum". The stakeholder forum must consist of representatives from various types of provider facilities licensed by the department, consumers, consumer advocates, ombudsmen, and other interested parties. The department shall meet at least four times each year with the stakeholder forum to discuss and take into consideration the concerns and issues of interest to the forum members and other attendees regarding the development and implementation of rules and other matters that affect all health care facilities licensed by the department.

(2) The members of the stakeholder forum serve on a voluntary basis without compensation and are responsible for noticing, staffing, recording, and reporting the notes from the stakeholder forum meetings. The department shall consider the attendance of its representatives at meetings with the stakeholder forum to be within the normal course of business, with no additional appropriation to or resources from the department required.

(3) The stakeholder forum and the department shall work to coordinate with, and shall not duplicate the work being done by, established or statutorily authorized advisory committees or working groups on issues related to the development and implementation of rules.

(4) For purposes of section 24-4-103 (2), C.R.S., as amended by House Bill 12-1008, enacted in 2012, the department may use the stakeholder forum described in this section, when appropriate, to serve as the representative group for the Department of Public Health and Environment.

Group Working Agreements:

- Allow speakers to finish thoughts without interruption
- Let presenters finish prior to questions
- Identify self prior to speaking
- Avoid over-use of acronyms
- Be respectful (tone and content)

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November 12, 2013, 2-3:30 pm
4300 Cherry Creek Drive South, Denver, CO 80246
Building A, Sabin-Cleere Room

MEETING NOTES

Facilitator: John Barry, Department of Health Care Policy and Financing

Attendees:

	Name	Organization
1.	Agler, Vickie	Aponte-Busam Public Affairs
2.	Barnert, Matthew	Imagine! Innovations
3.	Bode, Kris	AMI - Wellness
4.	Bolin, David	Accent on Independence
5.	Brown, Ginny	Colorado Hospital Association
6.	Buranosky, Tiffany (via phone)	Pikes Peak Hospice & Palliative Care
7.	Byrne, Angela	Sandalwood
8.	Caruso, Ellen	Home Care Association of Colorado
9.	Conroy, Deann	Colorado Department of Public Health and Environment
10.	Dixon-Jones, Lorraine	Colorado Department of Public Health and Environment
11.	Doggins, Chris (via phone)	Colorado Ambulatory Surgery Center Association
12.	Fear, Kim	Colorado Department of Public Health and Environment
13.	Ferenchik, Christine	Mosaic
14.	Franklin, Gillian	Colorado Department of Public Health and Environment
15.	Fraser, Genevieve	Community Reach Center
16.	Gattoni, JoAnne (via phone)	Courtyard of Loveland
17.	Gimbel, Shannon	Denver Regional Council of Governments (DRCOG) - Ombudsman
18.	Hill, Tom	Colorado Hospital Association
19.	Hodgert, Denise (via phone)	PASCO
20.	Hucke, Meghan (via phone)	Rocky Mountain Healthcare Services
21.	Hughes, Judy	Colorado Department of Public Health and Environment
22.	Hurst, Terri (via phone)	Colorado Behavioral Healthcare Council
23.	Joiner, Chinyere	Dorothy's Soft Touch
24.	Landwirth, Laura (via phone)	LeadingAge Colorado
25.	Maestas, Chris	AMI - Wellness
26.	May, Randy (via phone)	Mount Saint Francis Nursing Center
27.	Mendez, Fofi (via phone)	Mendez Consulting Inc.
28.	Meredith, Carol (via phone)	Arc of Arapahoe & Douglas Counties
29.	Merrill Brandt, Jodi	Rocky Mountain Human Services
30.	Miles, Arlene	Colorado Health Care Association

31.	Mitchell, Carol	Seniors' Resource Center
32.	Murray, Betsy	Home Care Association of Colorado
33.	Peschanskaia, Lena	Colorado Department of Public Health and Environment
34.	Russell, Charlene	Colorado Department of Public Health and Environment
35.	Schoder, Laurie	Colorado Department of Public Health and Environment
36.	Schultz, Eliza	Colorado Department of Public Health and Environment
37.	Schupbach, Jeremy	Colorado Alliance
38.	Tiger, Ryan (via phone)	PASCO
39.	Thaler, Vicki	Innovations
40.	Turner, Tiffany	Nurse Next Door
41.	Vande Walle, Joanne (via phone)	Elderhaus Adult Day Program, Inc.
42.	Wolk, Larry	Colorado Department of Public Health and Environment

Finalize the agenda

- The agenda was finalized and no addition agenda items were added.
- Randy Kuykendall, Division Director, sent his apologies for missing this meeting.
- The new Executive Director and Chief Medical Office at CDPHE, Larry Wolk, introduced himself to the stakeholder group and thanked us for our work on this important legislation.

Proposed Regulations (Laurie Schoder)

- The performance incentive rule was mandated by legislation through House Bill 12-1294.
- The attached proposed performance incentives rule language has not changed since it was introduced at the last stakeholder forum meeting in August. The proposed language of the rule reiterates the statute's specific eligibility criteria for performance incentives.
- CDPHE wanted to adopt this rule about a year ago, but they needed to make sure they could sustain the 10% performance incentive discount. At the last stakeholder meeting, the 10% discount was well received by the stakeholders, so CDPHE will propose this new rule to the Board of Health at the public hearing in January. If the rule is adopted, it will be effective mid-March.
- The performance incentive rebate can only be considered when CDPHE has conducted an onsite relicensure inspection, which is a statutory requirement. Some health care entities are accredited by an accrediting organization recognized by CMS as having deeming authority for Medicare, and therefore will not be eligible for the performance incentives.
- Deemed health care entities are eligible for another reduction set forth in HB 12-1294. CDPHE will give them a separate credit or discount for not having to perform a relicensure inspection. Once CDPHE finishes reviewing the numbers for the deeming discount, they will present their proposal to this stakeholder forum.
- Some stakeholders were concerned about the meaning of the terms "significant deficiency" and "full and timely cooperation" in the proposed rule and want them defined in the proposed rule.
 - CDPHE suggested defining these terms in guidelines or policies instead of regulation, since it takes about a year to change a regulation if the language does not work.
 - CDPHE created the attached draft guidelines to clarify the language of the proposed rule.
 - Home care agency rules already have similar language in there regulations, and so far there have been no issues with the interpretation of the language.

Eligibility Criteria for Performance Incentives (Lorraine Dixon-Jones)

Lorraine presented the attached draft document titled, "Guidance for Facilities Regarding Eligibility for Performance Incentives." This document resulted from an internal LEAN event at CDPHE conducted across programs within the Division.

- A qualify management plan (QMP) with issues would not be sited as a deficiency if the agency has identified a corrective action plan.
- Currently, 33 out of approximately 350 home care agencies surveyed benefited from the 10% discount due to performance incentives. Please note that licensing for home care agencies is fairly new, so the division expects this number to increase as the agencies become more familiar with the regulations.
- Surveyors are encouraged to use their discretion and critical thinking skills to extend timeframes in special circumstances.
- If providers determine that these guidelines are not working, then they can use this forum to raise concerns and initiate changes. Also, providers can use the Informal Dispute Resolution (IDR) process if they think a surveyor was unreasonable.
- If stakeholders have questions or concerns about the IDR policy updated last fall, then it can be added to this forum's agenda.

HB 12-1294 Implementation Progress (Lorraine Dixon-Jones)

No other updates

Department's Legislative Agenda (Eliza Schultz)

- Medical Marijuana Registry
 - CDPHE's Medical Marijuana Registry Program was audited which resulted in a number of legislative and budget items.
 - The excess cash funds will pay for research on the effects of medical marijuana on a variety of different conditions (i.e., PTSD and seizures).
 - CDPHE would like to broaden the scope of who has access to the registry to include contractors.
- Prescription Drug Take-Back Limited Liability
 - In order to encourage people to dispose of their prescription drugs appropriately, CDPHE runs the Colorado Prescription Drug Take-Back Program with 11 voluntary sites around the state.
 - Currently, King Soopers is the only retailer involved. To encourage other retailers to participate in the program, CDPHE seeks a bill to limit the liability for retailers.
- Sunset Review for Home Care Agency
 - Additional stakeholder meetings have been setup to discuss DORA's recommendations.
 - CDPHE supports DORA's recommendation for Sunset Review.
- Customer Service Health Information
 - CDPHE provides information to research entities and foundations on health data. CDPHE usually charges staff time for these service, but recently the attorney general says CDPHE does not have the statutory authority to charge for these services.
 - This bill gives CDPHE permission to continue this important public health data work.

Stakeholders' Legislative Agenda - No updates

Sunset Review Updates (Lorraine Dixon-Jones)

- 2013 Sunset: Home Care Agency Licensure Conclusions
 1. Continue licensure of home care agencies until 2023
 2. Strengthen background checks for owners/administrators
 3. Strengthen background checks for persons providing direct services
 4. Strengthen oversight of placement agencies

- The stakeholder group picked two meetings to discuss the Sunset Review (12/6 at 10-11:30 am & 12/9 at 12:30-2 pm). These meeting dates have been revised as follows:
 - Meeting #1: **December 9, 2013, 12:30-3:00 pm** in the Bing Room at the Hilton Garden Inn Cherry Creek, 600 S. Colorado Blvd, Denver, CO 80246.
 - Meeting #2: **January 2, 2014, 1-3:30 pm** in the Sabin/Cleere Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246.

Department Updates (Deann Conroy)

- New hires in the Health Facilities and Emergency Medical Services Division
 - Randy Kuykendall was appointed Division Director.
 - Michelle Reese was appointed Senior Deputy Director.
 - Kim Fear is the new Fiscal Services Manager and legislative point of contact.
- Voice of the Customer Project
 - Four categories of opportunities for CDPHE to improve:
 - Active complaints management
 - Customer feedback channel enhancement
 - Organizational structure and culture
 - Business process
 - Customer Feedback:
 - Inconsistent professionalism among the CDPHE surveyors
 - Inconsistent interpretations of what the regulations mean by our surveyors
 - Lack of communication among the stakeholders and the division
 - Need for the facilities to receive additional technical assistance
 - Fear of retaliation if provider gave negative feedback to the division
- Changes to the Division:
 - The division organizational chart is now grouped by function instead of by program to decrease differences and inconsistencies within the division.
 - By early January 2014, the entire division will hopefully be physically located in one building.
 - The division plans to make the complaints process consistent for all facility types.
 - The website will be revamped to make it more user friendly.
 - The division would like to add more check points during the surveying process, so that facilities know how they are doing throughout the survey.
 - The division hopes to eventually provide a draft deficiency list upon exit of a survey.
 - The division hopes to add a new branch for training surveyors and providing technical assistance to facilities.

Important Announcements - No updates

Training Opportunities - No updates

Reports from other advisory groups - No updates

Public Comments/Open Forum - No updates

Future Agenda Items/May Meeting Dates

- Add "Division Reorganization Updates" and "Legislative Updates" to the standing agenda items.
- Add "Legislation Session Debrief" to the May 29, 2014 agenda items.

Meeting Evaluation

- This meeting met initial expectations of the stakeholder forum.

Attachments

- Chapter II Draft Rule Change for Performance Incentives
- Guidance for Facilities Regarding Eligibility for Performance Incentives

Upcoming Meeting Dates

- **Thursday, February 13, 2014 @ 2-3:30pm**, CDPHE in Sabin-Cleere Room
- **Thursday, May 29, 2014 @ 2-3:30pm**, CDPHE in Sabin-Cleere Room
- **Thursday, August 14, 2014 @ 2-3:30pm**, CDPHE in Sabin-Cleere Room